

Chapter 14.70 Variances.

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14.70.010 Purpose.

A variance is a mechanism by which the City may grant relief from the provisions of this Title where practical difficulty renders compliance with the provisions of this Title an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the intent of this Title and of the Duvall Comprehensive Plan can be fulfilled.

14.70.020 Scope.

This chapter establishes the criteria that the City will use in making a decision upon an application for a variance from the provisions of this Title, unless alternate variance criteria are specified in a chapter of this Title.

14.70.030 Procedure.

Applications for a variance shall follow the procedures for a Type III review pursuant to Chapter 14.08, Permit Processing.

14.70.040 Decision criteria.

Applications for variances from the terms of these regulations shall be granted only if the decision making body finds all of the following:

- A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district in which the subject property is located;
- B. Such variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property;
- C. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property for improvements in the vicinity and zone in which the subject property is situated;
- D. The denial of the variance would entail undue hardship for the property owner or that the variance, if approved, would contribute significantly to the improvement of the environmental conditions.
- E. The need for the variance is not the result of deliberate actions of the applicant, property owner, or their predecessor in interest;
- F. The variance is consistent with this Title and the Duvall Comprehensive Plan; and
- G. The variance is the minimum necessary to grant relief to the applicant.

14.70.050 Limitation.

The decision maker may not grant a variance to:

- A. Allow a permitted or conditional use in a zoning district if such use is not specifically listed as a permitted or conditional use; or

- B. The provisions DMC 14.08, Permit Processing or any other procedural or administrative provision of this Title; or
- C. Any provision of this Title in which it states that such provision is not subject to a variance;
- D. Relieve an applicant from conditions established during prior permit review or from provisions enacted pursuant to a property-specific development standard; or
- E. Allow the creation of density beyond which that is allowed by this Title.

14.70.060 Recording.

Where applicable as determined by the director, variances shall be recorded with King County, Records, Elections and Licensing Services Division.